

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMOS KEYES,

CIVIL DIVISION

Plaintiff,

No.: 05-CV-104 E

-vs-

Judge Sean J. McLaughlin

OFFICER DANIEL RUSSO, OFFICER
PETER MITCHELL, and OFFICER STEVEN
DeLUCA,

Defendants.

MOTION FOR LEAVE OF COURT TO DEPOSE PLAINTIFF

NOW COMES the Defendants, Officer Daniel Russo, Officer Peter Mitchell and Officer Steven DeLuca, in the above entitled action and move this Honorable Court pursuant to F. R. C. P 30 (a) (2) granting them leave to depose Plaintiff who is currently in prison.

1. Plaintiff Amos Keyes currently is incarcerated at the prison facility in Waynesburg, PA.
2. Plaintiff's deposition has been noticed for October 28, 2005, at 9:00 AM.
3. Said notice was served upon counsel for Plaintiff on October 18, 2005.
4. It was not until counsel for Defendant contacted said counsel on this date that he was made aware that Plaintiff was currently incarcerated and that a motion pursuant to this Rule would be necessary.

WHEREFORE, Defendants, Officer Daniel Russo, Officer Peter Mitchell and Officer Steven DeLuca,, request an Order allowing the deposition of Plaintiff Amos Keyes as required by F. R. C. P. 30 (a)(2).

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/Edmond R. Joyal, Jr.
Edmond R. Joyal, Jr., Esquire
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Defendants.

ORDER OF COURT

AND NOW, this _____ day of October, 2005, upon consideration of the
within Motion for Leave to Depose Plaintiff, it is hereby ORDERED, ADJUDGED and
DECREED that said Motion is granted and Defendants are given leave to depose Plaintiff, Amos
Keyes at the state correctional facility in Waynesburg, Greene County, Pennsylvania.

BY THE COURT:

Honorable Sean J. McLaughlin J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Extend Time to File Answer to Plaintiff's Complaint has been served by First Class Mail, postage pre-paid, upon the following parties on this 25th day of October, 2005.

Paul J. Susko, Esquire
135 East Sixth Street
Erie, PA 16501
(Counsel for Plaintiff)

LAW OFFICE OF JOSEPH S. WEIMER

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